SUPPORT FOR THE AMENDMENTS

This Amendment amends Claims 17-21, 23-26, 28-32, 34-37, 39 and 42-43. Support for the amendments is found in the specification and claims as originally filed. As recommended by the Office Action at page 2, section 2, the term "barrier" is changed to --fuel barrier-- wherever it appears in the claims. No new matter would be introduced by entry of these amendments.

Upon entry of these amendments, Claims 17-43 will be pending in this application. Claims 17 and 28 are independent.

REQUEST FOR RECONSIDERATION

Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the application, as amended, in light of the remarks that follow.

Conventionally, a fuel container has a multilayered structure that includes an inner layer, an outer layer and an intermediate layer with gasoline barrier properties (i.e., a barrier layer). The fuel container is provided with openings for mounting various components such as an inlet or outlet neck, a connector, and a cap. The components are preferably made of a barrier material for suppressing fuel permeation. However, the present inventors have discovered that when a component made of a barrier material such as EVOH is employed, the expected barrier properties are not obtained.

The present inventors were the first to discover that the fuel in the container vaporizes (permeates) from the portions where the components are attached. The specification at Fig. 5 shows such fuel permeation. Fig. 5 shows a fuel container made of a multilayered structure including a barrier layer 1 and thermoplastic resin layers 2 and 3, in which a component 6 is attached to an opening of its body. At this opening portion, fuel can evaporate and pass through the layers that are located on the outside with respect to the barrier layer 1 (in this

case, the outer layer 3 made of a thermoplastic resin (B) and an adhesive layer 10) easily. See specification at page 11, line 15 to page 12, line 19.

The present inventors were the first to realize that the permeation of fuel through the portions where components are attached is a serious problem.

To address this problem, the fuel containers featured in independent Claims 17 and 28 each has a layered structure comprising at least a barrier layer made of a barrier resin (A), and an outer layer made of a thermoplastic resin (B) that is different from the barrier resin (A).

According the present invention, fuel permeation at the peripheral portion of the opening (i.e., fuel permeation through the cutting face of the layer that is located on the outside with respect to the barrier resin (A)) is prevented, so that the fuel container of the present invention has high barrier properties with respect to the fuel.

Applicants thank the Examiner for the indication that the prior art rejections of independent Claim 28 have been withdrawn ("All rejections of claims 28-43 only have been withdrawn", Office Action at page 2, section 3; "Applicant's arguments with regard to claim 28 are moot since the prior art rejections have been withdrawn", Office Action at page 3, section 8, lines 3-4).

Claims 17-27 (sic) are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,547,096 ("Kleyn") in view of U.S. Patent No. 6,033,749 ("Hata").

Kleyn discloses an electroplated, polymeric fuel cell fabricated of inner and outer shells. The outer shell is an assembly of outer shell halves joined together along peripheral flanges. Kleyn at Abstract, lines 1-3. A layer of copper, a layer of nickel, and a layer of chrome are successively electroplated to either or both of the interior and exterior surfaces of the outer shell halves to prevent permeation of fuel through the shell. Kleyn at Abstract, lines 3-7; column 1, lines 53-61. Thus, Kleyn recognizes that fuel permeation occurs through the body of the fuel container, but fails to recognize that fuel permeation occurs at the peripheral

portion of an opening through the fuel container (i.e., fuel permeation through the cutting face of the outer shell).

Fig. 2 of Kleyn is reproduced below.

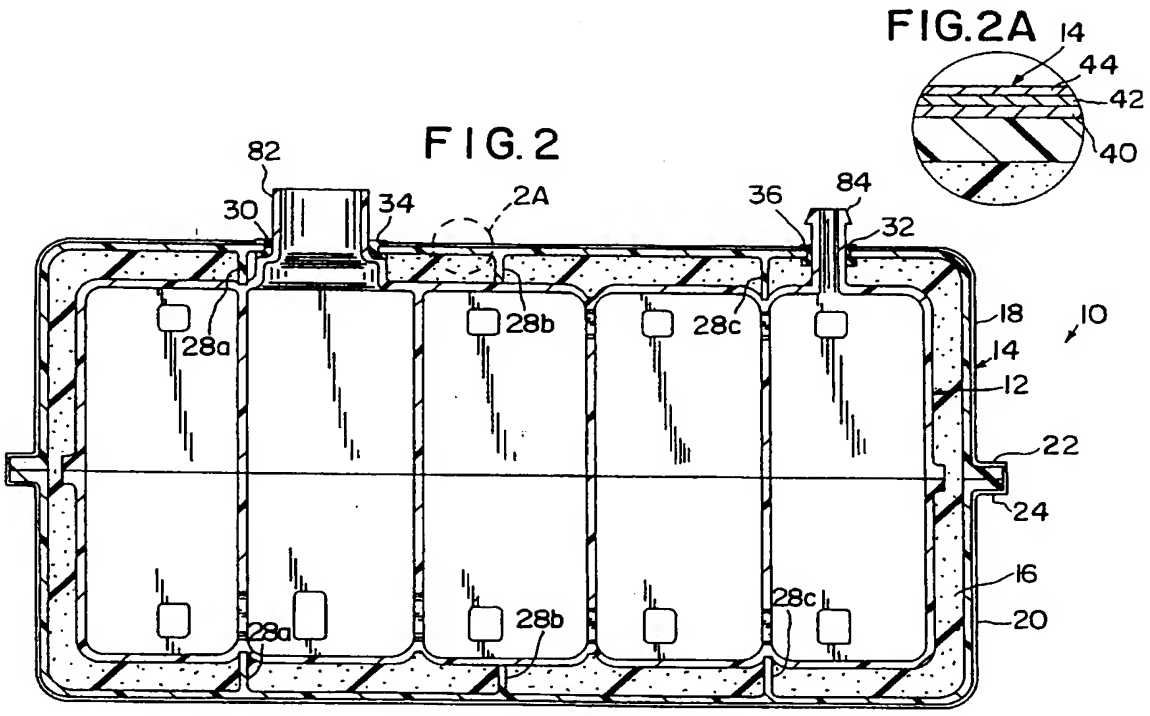

Fig. 2 of Kleyn shows inner shell 12 includes a filler neck 82 and an outlet neck 84 which pass through to apertures 30, 32 in outer shell 14. Enclosure gaskets 34, 36 are sufficiently compressed between outer shell 14 (outer shell half 18) and necks 82, 84 to provide a leak-tight seal. Kleyn at column 3, lines 1-12. The Office Action asserts that gaskets 34, 36 or outer shell half 18 correspond to the barrier member of independent Claim 17. Office Action at section 4.

Kleyn's filler neck 82 and outlet neck 84 separate gaskets 34, 36 and outer shelf half 18 from the openings through the body of Kleyn's fuel container. Filler neck 82 and outlet neck 84 are exposed to the opening space through the fuel container. However, gaskets 34, 36 and outer shelf half 18 are not exposed to the opening space through the fuel container.

Kleyn fails to suggest a fuel barrier member exposed to the opening space through the fuel container. Thus, Kleyn fails to suggest the independent Claim 17 limitations that "the fuel barrier member is exposed to an opening space through the fuel container, or the fuel barrier member and the fuel barrier layer are exposed to the opening space through the fuel container".

Hata fails to remedy the deficiencies of Kleyn. The Office Action at page 2, section 2, lines 1-2 (and Office Action dated July 17, 2006, at page 2, line 19) admits that "Kleyn does not disclose an (sic) interior barrier layer". The Office Action relies on Hata for disclosing this feature.

Because Kleyn in view of Hata fails to suggest all the limitations of independent Claim 17, the prior art rejection should be withdrawn.

Claims 17-43 are rejected under 35 U.S.C. § 112, second paragraph. To obviate the rejection, Claim 17, line 10 is amended by replacing "the opening space" and --an opening space--; and Claim 28, line 11 is amended by replacing "the opening space" with --an opening space--. Antecedent basis for "the opening" at Claim 17, line 7 and Claim 28, line 7 is found at Claim 17, line 6 and Claim 28, line 6, respectively.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance. Applicants respectfully request favorable consideration and prompt allowance of the application.

Should the Examiner believe that anything is further is necessary in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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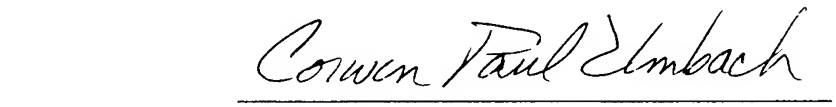

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